



2015 Annual Convention Spokane, Washington

RESOLUTION #15 - 51

“OPPOSING IDAHO’S PROPOSED WATER QUALITY STANDARDS AND FISH CONSUMPTION RATE”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians (ATNI) of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and Constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, ATNI advocates for national, regional, and specific tribal concerns; and

WHEREAS, promotion of the health, safety, welfare, education, economic, and employment opportunities of native people and preservation of their cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, since time immemorial, we, the first people of the Pacific Northwest, have cared for and sustained our way of life, religion, and culture beginning with the pure water that we hold sacred, and we are obligated to take appropriate and necessary actions to care for the water for the next seven generations; and

WHEREAS, on August 6, 2015, the Idaho Department of Environmental Quality (IDEQ) announced their draft rule for revising the State's surface water quality standards (WQS) based on an inadequate fish consumption rate (FCR), which fails to meet tribal goals of protecting human health, treaty rights, and other tribal reserved rights for future generations; and

WHEREAS, the proposed human health criteria standards include a trivial, minor increase in the Idaho FCR from the current 6.5 grams per day to only 16.1 grams per day, which utterly fails to reflect true tribal fish consumption rates and does not protect the health, lifeways, treaty rights, and trust resources of tribes in Idaho; and

WHEREAS, the proposed Idaho FCR of 16.1 grams per day is substantially less than the EPA's subsistence default FCR of 142 grams per day; and

WHEREAS, the Nez Perce Tribe and Shoshone-Bannock Tribes of the Fort Hall Reservation undertook an exhaustive one-year tribal fish consumption survey implementing the food frequency questionnaire method and found that FCRs among these tribes may be at least 20 times greater than the 16.1 grams per day FCR that IDEQ is proposing; and

WHEREAS, IDEQ's draft rule excludes, except for steelhead, anadromous fish—a tribal First Food of vital importance for cultural preservation and subsistence—in determining standards for “allowable” pollution, an omission that is outrageous and completely unacceptable to the tribes; and

WHEREAS, IDEQ recommends using an incremental cancer risk level of 10^{-6} (one-in-one-million) at the 95th percentile for the general population, but only the mean percentile for high fish-consuming tribal populations, leaving a substantial portion of the tribal population exposed to cancer risk greater than one-in-one-million; and

WHEREAS, IDEQ's draft rule will perpetuate an ongoing environmental injustice by subjecting tribal people to disproportionately higher risks simply from exercising our rights to our First Foods and practicing our religion and culture, while providing substantially more protection to the general population of Idaho; and

WHEREAS, IDEQ's draft rule will not protect downstream waters in the states of Oregon and Washington, or on Indian reservations, where standards are, or may become, more stringent, thus posing a threat to tribes in downstream areas; and

WHEREAS, the U.S. EPA has previously disapproved Idaho's proposed WQS rule as it did not consider regional tribal fish consumption patterns and rates; now

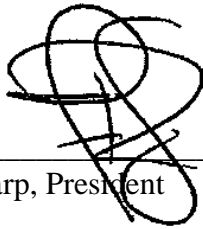
THEREFORE BE IT RESOLVED, that ATNI opposes and rejects IDEQ's draft rule for revising surface WQS of 16.1 grams per day, in particular its decisions to adopt an inaccurate and non-protective FCR that excludes, except for steelhead, anadromous fish from its calculation, and unfairly protects only the “mean” percentile of high-consuming tribal populations from elevated cancer risk while providing substantially more protection to the general population of Idaho; and

BE IT FURTHER RESOLVED, that ATNI requests that the U.S. EPA uphold its commitments to tribes and disapprove IDEQ's WQS draft rule if it is finalized and submitted in its current form, and immediately begin the steps necessary to independently promulgate at the federal level surface water quality standards for Idaho that will protect human health, safeguard inherent and Treaty Rights to harvest clean, consumable fish, and uphold its commitment to Environmental Justice for tribal communities; and

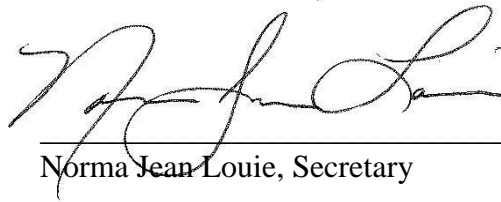
BE IT FINALLY RESOLVED, that ATNI supports independent federal promulgation of surface water quality standards for Idaho that adequately protects tribal people, as well as non-tribal communities, their rights and resources, and that are equal to or more stringent than standards in Oregon.

CERTIFICATION

The foregoing resolution was adopted at the 2015 Annual Convention of the Affiliated Tribes of Northwest Indians, held at Northern Quest Resort and Casino, Spokane, Washington on September 14-17, 2015, with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary